



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

November 9, 2018

CERTIFIED MAIL-RETURN RECEIPT REQUEST: 7015 1520 0003 3991 2750

Mr. John J. Nicholas
Hill Top Café, Inc.
10661 N U.S. Highway 87
Doss, TX 78618-0132

Re: Administrative Orders; Docket Number: SDWA-06-2018-1228
PWS ID Number: TX0860122

Dear Mr. Nicholas:

On February 26, 2018, the Environmental Protection Agency (EPA) issued an Administrative Order (Order) Docket Number SDWA-06-2018-1228 to Hill Top Café, Inc. for violation of the Safe Drinking Water Act (SDWA). The Order required Hill Top Café, Inc. to comply with the federal Revised Total Coliform Rule (RTCR) requirements of the SDWA.

Paragraphs A, B, and C of the Order referenced above required Hill Top Cafe to collect routine total coliform samples, provide public notice to the customer, EPA and TCEQ, and to provide EPA a written response documenting that the required samples had been taken within thirty (30) days of receipt of the Order. EPA has not received documentation that these requirements have been accomplished, but you and Mr. Mehdi Taheri of my staff have discussed the requirements by phone. Mr. Taheri informed you of the importance of complying with the Order and taking samples routinely. I commend you for taking samples. However, the samples collected by Hill Top Café cannot be accepted for compliance purposes with the RTCR by EPA and TCEQ for the following reasons:

- The samples were not collected using the required TCEQ Microbial Reporting Form (MRF). The only paperwork submitted with the samples was a generic lab chain of custody (COC). The COC lacks the PWS ID number, a sampler signature, the required legal statement, and the type of sample ("routine" for compliance, or "repeat" for compliance", etc.).
- A field disinfectant residual was not measured as required by state regulations. [30 Texas Administrative Code Section §290.110(c)(4)(D).]
- The absence of a chlorine residual was not verified by the lab performing the analysis as required by EPA. [Manual for the Certification of Laboratories Analyzing Drinking Water, V-32, 8.3.4]
- The analytical results report indicates the samples are "private".

Mr. Taheri has contacted you by phone on several occasions and discussed the Safe Drinking Water Act (SDWA) regulations and responsibility of an owner or operator of a public water

supply. It is my understanding that you believe the water from your water system comes from a stream which you believe is clean and does not warrant any treatment or chlorination. In fact, reliable sampling is the only way to confirm that water meets drinking water standards. EPA understands that the Hill Top Café Water system is a small system and that modifications may be an economic burden; however, compliance with the Safe Drinking Water Act is mandatory to protect the health of consumers. A PWS must comply with state and federal water quality standards and serve clean and safe water to its consumers.

TCEQ has Financial, Management, and Technical (FMT) assistance that can help systems with these procedures. TCEQ has notified EPA that if Hill Top Café needs any assistance regarding these procedures they will be more than happy to assist you. I encourage you feel free and take advantage of this offer from TCEQ.

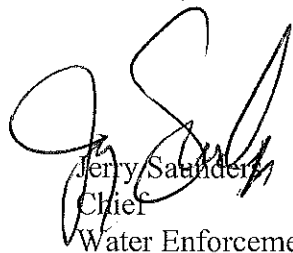
EPA remains concerned that your Public Water System is still in violation of the RTCR and that customers, especially children, who consume drinking water from your system have the potential to be adversely affected. For this reason, EPA requires that you collect routine total coliform samples correctly, based on Federal and State requirements.

The citizens of Texas deserve water that is clean and safe to drink. Despite the delays, EPA Region 6 is still willing to work with you, as long as you communicate your intention and progress to EPA.

Attached are the regulation requirements applicable to your PWS that may help you understand the environmental laws.

Please realize that Hill Top Café Inc., remains subject to the enforcement provisions of the SDWA. Violation of any term of this Section 1414(g) Compliance Order may subject Hill Top Café Inc. to an administrative civil penalty of up to \$38,175.00 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$54,787.00 per day per violation, assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A). Upon receipt of this letter, please respond immediately by contacting Mr. Mehdi Taheri, of my staff, at (214)665-2298 or via email at taheri.mehdi@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,



Jerry Saunders
Chief
Water Enforcement Branch

cc: Mr. Bryan Sinclair
Director, Enforcement Division
Texas Commission on Environmental Quality
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